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PART III.

**SERMON**

BY

**REV. GEORGE B. CHEEVER,**

Delivered at the Church of the Puritans, New York, Sunday, May 20, 1860.

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*Cheever*







Truly, Your Friend,  
George B. Cheever

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THE  
RIGHT OF CONSCIENCE TOWARDS GOD

IN THE CITIZENS OF THE UNITED STATES,

AND THE

Violation of that Right by the Senate in the

IMPRISONMENT OF THADDEUS HYATT,

A DISCOURSE

By Rev. Geo. B. Cheever, delivered at the Church of the Puritans,

NEW YORK, MAY 20, 1860.

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“LUKE 16: 12. If ye have not been faithful in that which is another man's, who shall give you that which is your own?”

FAITHFULNESS to God and man is what is here meant; faithfulness to God as his steward, and faithfulness to our fellow-beings in whatever of their interest, is committed to our charge.

We shall consider,

1. *The tenor of the text, individual,*
2. *National.*
3. *Relation of law to conscience and conscience to law, in government as ordained of God.*
4. *The wickedness of unrighteous law, and the immorality produced by it, and the duty of conscience against it.*
5. *The wickedness of usurped power, without law, overriding conscience; which is the crime of the Senate.*
6. *The duty of the people to protect themselves in the exercise of this conscience towards God, and the dependence of their liberties thereon.*

Faithfulness to God secures everything. Be faithful to



God, and God will take care of all that concerns you. Seek ye first the kingdom of God and his righteousness, and all things else shall be added unto you. "He that loseth his life for my sake and the gospel, shall find it."

In our school arithmetics, we used to study a rule entitled "Of Loss and Gain." Paul was a master mathematician in that rule spiritually, but altered its terms by the guidance of the Divine Spirit, so that loss just now for Christ's sake, is eternal gain, and gain just now for the sake of self, is eternal loss. Live for God, and you shall live by him, serve Christ, and God will honor you. Thou hast been faithful over a few things; I will make thee ruler over many things.

This is the first great lesson of faith. It is what we all need to learn and to practise as individuals. Our usefulness, our happiness, our salvation depend upon it. But it is not one whit truer of individuals than it is of a nation; and besides all other promises, we have this in addition, that "all thy children shall be taught of the Lord, and great shall be the peace of thy children. In righteousness shalt thou be established; THOU SHALT BE FAR FROM OPPRESSION." Faithfulness to God and his statutes is the perfect security against oppression, and the freedom that is freedom in God, is impregnable, eternal. Well did Burke say, "He that fears God, fears nothing else;" and therefore tyranny is natively, instinctively, allied with atheism, and dreads and hates nothing so much as the fear of God. Tyranny cannot prevail, where God's fear is supreme in the heart of the nation.

But CONSCIENCE is God's vicegerent in the soul, and in the mind and heart of the people there must be a conscience towards God, or iniquity will prevail, and all manner of evil be enthroned and established. Conscience towards God is the fundamental sanction of human government, as God has ordained it. Conscience towards God is the legitimate central spring of authority and power in a human government. The powers that be are ordained of God, as a terror to evil doers

and a praise to them that do well ; and all are commanded to respect the powers, and to avoid evil, and to do good, FOR CONSCIENCE' SAKE, a conscience towards God. The government, therefore, that violates conscience towards God, violates its own being, renders null and void its own charter from God, and makes it obligatory upon men to oppose and overturn it, in God's name, and to re-establish its powers upon his authority, consonant with his will, so that conscience may be free, so that conscience towards God may be exercised in all things, and never violated. Hence the extraordinary profoundness and majesty of meaning in the eighty-second Psalm, descriptive of the magistracy, the legislators, judges, executors of government, their authority, their functions, the chaos that ensues if they do not regard God and his righteousness, and the contempt with which they shall be overwhelmed and swept from their places of dignity and power, if unfaithful to the object for which the powers that be are ordained of God.

All the foundations of the earth are out of course, out of the right place, confounded, upheaved, crashing, as in an earthquake ; no more security for the property, the liberties, the rights, the equities, the lives of men, than there was for their habitations in the great Earthquake at Lisbon ; no more stability for their unprotected rights, when the rulers, senators, judges, will not acknowledge the supremacy of God, nor regard the divine object of government. Overturn, overturn, overturn, is therefore God's rule, as long as such monstrosities are put into his institutions. The stone shall cry out of the wall, and the beam out of the timber shall answer it. All nature at length is in insurrection, when the God of nature and of revelation is defied by his own instrumentalities. Thrones crumble, empires fall asunder, nationalities dissolve, the spirit of madness seizes all classes, and God makes the magistrates, the princes, the potentates, a mockery, a derision, no sooner set up than upset, like the little images that used to amuse our childhood, the body made out of the light pith of a corn-

stalk, and a weight of lead on the top, where the brain should be, so that, by the very law of gravity, set them on their feet and instantly they turn a summerset and stand upon their heads. The rule is of revolution, not rest, confusion, not order, no possibility of peace or settlement, but chaos, riot, delirium. "Behold, is it not of the Lord of hosts that the people shall labor in the very fire, and the people shall weary themselves for very vanity?" And the reason is given: "For the statutes of Omri are kept, and all the works of the house of Ahab, and ye walk in their counsels; that I should make thee a desolation, and the inhabitants thereof a hissing; the whole land desolate for the fruit of their doings."

"Wo unto them that decree unrighteous decrees, and that write grievousness which they have prescribed, to turn aside the needy from judgment, and to take away the right from the poor of my people. What will ye do in the day of visitation and desolation?"

"The land is defiled under the inhabitants thereof, because they have transgressed the laws, the divine laws, changed the ordinances, broken the everlasting covenant. Therefore hath the curse devoured the land, and they that dwell therein are desolate. Through the wrath of the Lord of hosts is the land darkened, and the people shall be as the fuel of the fire; no man shall spare his brother. And he shall snatch on the right hand, and be hungry; and he shall eat on the left hand, and they shall not be satisfied; they shall eat every man the flesh of his own arm. If they will not obey, I will utterly pluck up and destroy that nation."

If ever any thing was clear, it is this, that obedience to God, obedience, that is, to God's law, in all things, is just as much the duty of a nation, as it is of individuals; and the disobedience and rebellion of the nation will be just as surely punished, and is just as inevitably ruinous, as in the case of individuals. The Law of God is the law of all just legislation, and all legislation that contravenes God's law is null and void.

The law of God is the law not only of social, but of civil and political morality. It is the only law of permanent prosperity, of true political economy, of national health and wealth, and above all, of permanent popular freedom.

The most subtle, mischievous, fatal form of tyranny, is when that which is sinful against God, is made obligatory upon men, by specific laws of their own government. There is no wickedness on earth to be compared with this. God will not endure even to have his own fear taught and produced by mere human law. "Ye are they which justify yourselves before men; but God knoweth your hearts; for that which is highly esteemed among men is abomination in the sight of God. Well hath Esaias prophesied of you, hypocrites, as it is written, "This people honoreth me with their lips, but their heart is far from me. In vain do they worship me, teaching for doctrines the commandments of men. For laying aside the commandments of God, ye hold the traditions of men. Full well ye reject the commandment of God, that ye may keep your own tradition. Making the word of God of none effect through your tradition which ye have delivered." And again, "Why do ye transgress the commandment of God through your tradition?" And again, "Wo unto you, lawyers! for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers."

Their fear towards me, says God, is taught by the precept of men, a characteristic of great wickedness. If the only reason why men obey God's law, is because man's law commands it, such pretended obedience is hypocrisy and disobedience; it is idolatry and a lie. This alone would be bad enough; but when that which is *sinful* is commanded, and thus guilt and crime are affirmed to be turned into duty, it is obvious that nothing can go beyond such wickedness. The nation that does this, the government that ordains it, the community that will suffer it, are in the way to hell. It is the wickedness of Ahab and Manasseh compelling the inhabitants,

the subjects of governmental authority, to sin against God, on the ground that God has transferred his own authority to the government, and made every law of the government, no matter of whatsoever nature, binding upon the soul. A most sweeping and atrocious impiety, and yet a wickedness that men calling themselves Christians may be found to sustain, pleading that even a wicked law, so long as it is law, must be obeyed. A government that proclaims, teaches, commands, any wickedness by law, is the assassin instead of the protector of the people. It is as if a parent should put arsenic into the milk or the bread, with which the children and the household are nourished. If the government should put into the public reservoirs a mixture of vegetable poison that would infect every man, woman and child with epilepsy, fever, consumption, this crime and cruelty would be trifling in comparison with that of commanding what God has forbidden, and arrogating the power over the conscience which is only God's prerogative, the power of changing into virtue that which is sin against God. Who can describe the infinite wickedness of this assumption, or the horrible immorality that must ensue, and the entire destruction of all piety, if such laws and doctrines prevail and are propagated? It is the Man of Sin and Son of Perdition, not only on the throne of the nation, but in the very temple of God, promulgating law; a mystery of iniquity under cover of divine authority, after the working of Satan, with all deceivableness of unrighteousness in them that perish. When this corruption comes to its climax, in the support, sanction and enforcement of any form of sin, but especially if it be a sin which God himself has openly and indisputably reprobated and forbidden, as worthy of death, then comes to pass what was recorded and predicted of God should take place, that strong delusion to believe a lie, into which such unprincipled, hardened, daring sinners have been permitted of God to plunge, that they all might be damned who

believed not in the truth, but had pleasure in unrighteousness.

Now it is not to be concealed, it is not to be denied, that from this very cause immorality and impiety have gone forth into our land. A mist of error and profaneness, as from Serbonian bogs of stagnant, slimy impurities, steams up from earth, and shuts out the light of heaven, and we breathe in an atmosphere of morals, which is little better than a drizzle of pernicious, penetrating lies. We are suffering in this country a terrible debauchery both of public and private morals, from the support and sanction of unrighteous law, upholding a vast system of licentiousness, theft and cruelty.

What else could be expected but moral corruption running through, and infecting every channel of society and life, when man-stealing is made a national righteousness and law, and the promulgation of the infamous principle or assertion, from the Tribunal of national justice, is endured by the people, THAT BLACK MEN HAVE NO RIGHTS THAT WHITE MEN ARE BOUND TO RESPECT. When there is honor and virtue among thieves, then may it be expected that they who will steal what belongs to others, because their skin is not colored like their own; they who will steal men, and make merchandise of them, and call it a political and moral righteousness, saying, Blessed be the Lord, for we are rich, then may it be expected that such thieves, so lost to all moral principle, will respect the laws of honesty and integrity one towards another, of their own hue. Their piety is not even skin deep, but their wickedness reacheth to the bones. Morality, mercy, truth, can no more be expected from such corrupt unprincipled white men, one towards another, than from the same men toward the negro race. Accordingly, it is fast coming to pass, that there is neither truth, nor righteousness, nor judgment, nor equity in the land, but he that departeth from evil maketh himself a prey, and truth is fallen in the streets, and equity cannot enter. Public defaulting and rascality are



almost as customary as private honesty. The most infamous doctrines, propositions, principles are avowed with unblushing profligacy, and professed Christians publicly, adopting what Paul called doctrines of devils, even in the church, scarcely lose one particle of their reputation or respect among men. It has almost come to pass, as on the eve of the destruction of Judah that "the good man is perished out of the earth, and there is none upright among men; they all lie in wait for blood, they hunt every man his brother with a net. That they may do evil with both hands earnestly, the prince asketh, and the judge asketh for a reward, and the great man he uttereth his mischievous desire, and so they wrap it up. The best of them is as a brier; the most upright is sharper than a thorn hedge. And the prophet is a fool, and the spiritual man is mad, for the multitude of thine iniquity."

If such corruption had been kept out of the Church of God, if it had not entered there, and in some cases carried all before it, in the sanction and defense of man-stealing and of merchandise in men, it would be comparatively harmless, or might with comparative ease be opposed and arrested. But this vast immorality being adopted and sanctioned by the church, and the laws that sustain it, being proclaimed of sacred efficacy and authority, the corrupting influence goes every where. It is as the dry rot in the timbers of a ship, that may run on till the whole hulk is worm-eaten, honey-combed, and as fragile as gingerbread, prepared to be wrecked in the first storm.

Here then, is a great manifest, palpable duty of the ministry in our land, to apply God's law to the condemnation of unrighteous law, to the examination and reprobation of all law, that is contrary to the word and will of God, and especially of all laws that sanction such a crime as that of slavery. It is the duty of the ministry to insist upon the supremacy of God's law, and only his over the conscience, and of human law only so far as in accordance with his, or

not opposed to it. For the rankest atheism could not suggest or proclaim a worse principle, than that human law, even when it is against God's law, is obligatory upon the conscience; the principle, in fact that human law overrides and nullifies God's law, and that God himself abdicates his supremacy over the conscience, and gives it to a wicked human government. Only two nations on earth, called Christian, ever dared announce such a doctrine, France in the delirium of her revolutionary atheism, and America under the despotism of a slaveholding oligarchy, and the theology of a slaveholding church.

But it is still worse when, without law, without pretence of law, the bare will of one branch of the government, under pretence of power, overrides conscience; when the possession of power is assumed to give the right of a divine ordinance; when the mere assumption of power is sufficient to convey the power, and the mere assertion of right to create the right, and without needing to show any law, the bare will of a corporation of human beings dressed in a little brief authority, is held to have created the authority of God to bind the conscience in subjection. This is the crime of which the United States Senate have been guilty in the imprisonment of a free citizen of this country without the shadow or even the accusation of any violation of any law. It is a monstrous tyranny, a complicated compound usurpation of the power of human law, and the authority of God; the authority of God over conscience against God's law, and the power of human law without law, in the absence of law, where no law exists, power instead of law.

Usurpation makes power, and power answers instead of law, and demands a religious obedience and regard from the conscience. Mr. Hyatt's plea of a conscience that did not permit him to submit to the mere will of the Senate without law was sneered at, was encountered with contempt and rage, as a contempt of the Senate. It is difficult to conceive of

human arrogance rising to a higher pitch than when the claim of conscience, as being more sacred than the will of a corporation, is treated as a contempt of that corporation, yet thus it was treated by this body of Senators, arrogating to themselves the dignity and prerogatives as of God. And the claim of conscience towards God, in competition with the claim of the Senatorial will over conscience was scouted, flouted, jeered, rejected with ridicule and disdain. It was a fearful scene, a public arrogant impiety, a profanation of religion, a defiance of the authority of God, and a trampling under foot of the rights of conscience, the authority of law, the right of freedom, the right of innocence to protection, the right of the Christian and the right of the citizen.

But the climax of this crime, the edge of it, the insolence of it, the element of acutest and most studied contempt of God and man *is the fact that it was nothing but the assertion of conscience that was regarded as crime*, treated as such, punished as such. No contempt of authority, no disobedience of law, no refusal of obedience, no violation of law or of authority in any way, was charged upon Mr. Hyatt, but the bare assertion that his conscience towards God was of higher authority and right than the will of the Senate, was charged as contempt and crime.

And has it come to this, that a body of mere representatives and servants of the people can thus arrogate the very attributes of deity, unchallenged, unrebuked, and concentrating in their arrogance the authority both of religion and of law, can send a Christian man to prison who has violated no law, but has simply obeyed the dictates of religion, and honored God, in refusing the homage of his conscience to the mere will of man? Consider this fact, that the only crime charged upon Mr. Hyatt is the assertion of a conscience towards God, and a denial that the Senate possess the authority of God over that conscience. Consider the fact, that there is not the shadow of any other offence even *charged* upon Mr.

Hyatt, but that of the declaration of the supremacy of conscience, and a denial of any right of compulsion over it belonging to the Senate; and it must be acknowledged that the action of the Senate is the most extraordinary development of arrogance almost ever exhibited, a madness of assumption only outdone by the gaping, wondering acquiescence, and almost admiration, with which a people of slaves and fools can behold the very prerogatives of God, and their own dearest rights, defied, trifled with, trampled on. A man affirms that he has conscience towards God, over which the bare will of no body of men can have authority, and instantly the Senate of a Christian nation seize him as a criminal, and without accusation, indictment, examination, trial, witness, court, Judge, or jury, throw him into prison, without law and against law; and a multitude of the people, (if the utterance of the press is to be taken as the voice of the people) justify the outrage, and aver that the victim of it is a fanatic or a would-be martyr, for putting himself in the power of such a Senate!

It is law, absolute, unqualified, unquestioned, that no man shall be deprived of his liberty without trial by jury. It is law, supreme, essential, fundamental, that crime shall not, in any case, never, under any circumstances whatever, be punished without trial by jury. If not, where is our safety? If not, then our rights, our liberties, our lives, are at the mercy of mere prejudice, passion, accusation without cause, political caprice, currents and cliques of anger and power, individual, personal, social, mistake and tyranny. And if this law can be despised, overridden, nullified, by one body, it can by another; if by a Committee of the Senate, it can by a town meeting; if by the grudge and malice of a Senatorial clique, it can by the merest mob-squad, excited to anger in a city or a village. There is no safety, if the law be disregarded. But the Senate of the United States, in this daring illegal outrage against Mr. Hyatt, have swept it clean from existence. They have paid

no more attention to it, than if it were an accidental ink-blot on a copy of the Constitution.

But I dwell not upon this. The thing I call attention to as a minister of the gospel is the monstrous fact that the Senate have dared to charge the assertion of the right of conscience towards God as being in itself at their bar a contempt of the Senate, and that contempt a crime, to be punished with instant imprisonment, at the will of those pretending to be thus contemned and offended, without privilege of examination, defence, replication, explanation, argument, trial or jury, and that imprisonment to last as long as the mere will of the body of men claiming to have been offended by such an assertion of conscience, lasts or pleases! And it is obvious that the power which could instantly imprison without trial, without challenge, let or hindrance, for such an assumed offence, could torture, could put to death, could set up a guillotine, without trial. And this in punishment of the assertion of a conscience towards God, which the Senate had no right to compel! Why, this is insolence, almost beyond any antic of insolence ever enacted.—Where is the law pointing out that crime? Where is the statute describing that contempt, and making it penal to have and to hold a conscience void of offence towards God? It may indeed be true that such a conscience loosens the gripe of human despotism, and puts its victim above the authority of man, and out of the jurisdiction of the mere will of a committee of the Senate with powers; but where is the statute making that an offence, and establishing the penalty? Where is the law pointing out the crime, in order that a man may avoid it? Where is the sign, common even to a corn-field, a sheep-track, a pasture, giving notice of private or public claims, and forbidding trespass? Where is the buoy, which your government are bound to anchor, over the place of this hidden, sharp, terrible danger? Where is the law creating, or announcing, or forbidding the crime, and providing and forewarning the punishment? Your public government, by

Committees with powers, instead of the ancient, well known, long established, course of law, is a mere Court Yard of tyranny, centralizing a nest of cages and dungeons, more detestable than the Castle-acres of any Louis of France, covered with concealed man-traps and deadly snares, the very way even to the forms of justice thick with sleeping vipers, *cobra di capellas*, ready to sting the victim, the fool, who innocently approaches, supposing there is justice there. A crime, a contempt to be punished as crime, without crime, in the assertion of Mr. Hyatt, that a Committee of the Senate could have no right to compel him to answer, contrary to his conscience towards God! Where is the law? Where is the shadow of the most distant approach of a power so awful in the Senate, so impious, or where the people that would ever have suffered the admission of such a power, the supposition of its possibility, in any charter of their liberties? Where is the law? I stand in my place as a minister of the Word of God, addressed to men's consciences, and I denounce this oppression of the rights of conscience in God's name, this creation of a crime unheard of, this making it a crime in a man to say that his conscience cannot rightfully be compelled by the Senate of the United States. It is an interference, that if we were a Pagan people, under the dominion of Nebuched- nezzar, though no heathen might wonder at it, yet every Christian even then would be bound to resist. But such a daring pagan intrusion of human authority, without law, into God's sole domain, by a clique of the servants of a Christian people, for the purpose, and at the bidding of a slave-power, ought not to be possible, ought not to be endured. The cruelty of such an imprisonment, such penal torture against an innocent man, would be bad enough; but the audacity towards God, the reckless impiety, the bold insensibility to the rights of conscience and defiance of the claims of God, make the cruelty and imprisonment pass into the shade, and the mind is filled with horror that such a crime could be com-

mitted in such a Christian nation in open day, under the profession of a government of law, and the soul of this people not be stirred to its depths in indignation and wrath against it.

We hardly know what to say, what to think, under such a stunning possibility. Here we have been, this balmy Sabbath day, freely breathing the open breath of heaven, and this Senate has just as much right and authority to take any one of us, and throw us into the Tombs in this City, as it has to keep Mr. Hyatt one moment in his prison at Washington. Yet there he lies, not a law, nor shadow of right by which he could be thrown there, and yet, the lawless will once executed, there he lies helpless, and the Senate wipe their lips and stalk on unrebuked in their despotism. The victim of their malice is a man of sensitive, delicate frame, a noble, free, enthusiastic, generous heart, an active mind, a fair imagination, a man of pure, honorable, upright life, a man already eminently useful, a man who spent almost a fortune in behalf of the freedom of the people when oppressed by the Slave power in Kansas, a man without suspicion of a crime, or even accusation of any violation of any law, a Christian, guilty of a conscience towards God, and suffering for that conscience! Had it been Nero, or Domitian, or Heliogabalus, or any pagan monster that had done this thing, that had thrown this man into prison for asserting that there is a God, and an authority of conscience supreme towards him, this had been natural. But it is the unnatural crime of the Senate of a professed Christian Government, against a Christian man, for daring to assert the right and maintain the exercise of a Christian conscience. I repeat what I have said elsewhere, that the people are bound, in God's name to deliver this victim from the grasp of such tyranny; it is the people's duty to take this man out of prison. There is neither right nor law by which he can be kept there one moment. The people are as sacredly bound to protect and rescue him, as they were of old to rescue Jonathan from the madness of Saul.

Now, my friends, it appears to me that I have done no more than a simple act of duty towards God, and justice to my neighbor as myself, in bringing this matter thus publicly to your notice, in God's name. If such things can pass without notice, if any branch of our government can commit such acts of cruelty and usurpation, without even a rebuke before the people, we are lost indeed. If I am wrong, it can do no harm to have examined this question in God's light. If I am right, then a crime has been committed, against God, and an outrage perpetrated against a fellow-citizen in violation of law, in violation of all the safeguards of your liberties, which ought not to be endured for a moment. If such things be done in the green tree, what shall be done in the dry? If the Senate of the United States resort to lynch-law, if the Senate can imprison and torture a man on their own motion, their own will, in entire disregard of law and all its processes, can it be surprising if mobs follow their example, if they burn abolitionists at the stake, if they arrest and hang, without trial, as they did in the excess of French Revolutionary madmen, at the nearest lamp-post? What shall be done for this most injured citizen, and for conscience and freedom outraged in his person? Even Paul could and did appeal to a Pagan government against a similar atrocious act of lawless official despotism. Is it lawful for you to beat a Roman openly and uncondemned? And they dared not do it. But here, under a Christian government, there is less protection of our rights, than under an imperial despotism. The reality is terrible to think of.

And now, my friends, we return to our text, and remind you, in God's name, of the stewardship of freedom and religion committed to you by him, for others as well as for yourselves, by the right, by the power, by the supremacy of conscience towards him. And if you do not preserve this conscience towards God, and bring its forces to bear upon your government, your liberties are lost, irrecoverably. God's



Word, and your maintainance of its supremacy, God's rights over you, and your faithfulness to them for him, your rights of conscience towards him are the only breakwater against the ground waves of tyranny that are ready to roll over you. The voice of your brother's blood crieth unto God, not from one prison or one grave, but from the tortures of a race buried alive, from the agony of millions in bondage, under atrocities sanctified by law, and permitted by a most corrupt and infidel Christianity. And if we do not assert our right, by conscience, under God, to sweep away these abominations, to break every yoke, to open the prison doors, and let the enslaved go free, then be assured God will drive us into our own dungeons: If we have no pity on others, God will have no pity on us. On the other hand, if we bless others, God will protect and bless us. The justice we show to others, in protecting them from oppression, will be returned to ourselves in mercy and in love. It is a precious privilege to which we are invited, when we are enjoined to deliver the oppressed out of the hand of the spoiler. Visit your Saviour in prison, and that will be put by him in your own welcome unto life eternal—"For inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." Let us remember, for our encouragement, that when Christ cometh, his coming and kingdom shall break in pieces the oppressor, judge the poor of the people, and save the children of the needy.





